

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC. PELVIC REPAIR)	
SYSTEM PRODUCTS LIABILITY LITIGATION)	
)	MDL NO. 2327
)	
THIS DOCUMENT RELATES TO:)	
<hr style="border: 1px solid black;"/>)	

QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit A have asserted claims in the above captioned action. These individuals have retained the following attorney(s), Childers, Schlueter & Smith, LLC (“Counsel”) to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed next to their names in Exhibit A.

IT IS HEREBY ORDERED AS FOLLOWS:

1. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit A,

Counsel shall also resolve any potential state Medicaid, Tricare, Veteran's Administration, and/or Indian Health Services (hereinafter "the Agencies") claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were beneficiaries of the Agencies. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit protected health information regarding the plaintiffs to Counsel, including any third party authorized by Counsel to assist in the resolution of the Agencies' potential liens and reimbursement claims. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify plaintiffs; (b) eligibility and entitlement information; (c) claims information

relating to the past, present, or future health care of plaintiffs; (d) claims information relating to the provision of healthcare to plaintiffs; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to plaintiffs.

- b. Each Agency is hereby authorized and directed to transmit to Counsel, including any third-party specifically authorized by Counsel to assist in the resolution of potential liens or reimbursement claims, any information, including claims information and other protected health information, for those plaintiffs listed on Exhibit A against whom they may assert liens or reimbursement claims.
- c. Counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information listed on Exhibit A for the specific purposes of transmitting to Counsel any information, including claims information and other protected health information, for those plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information listed on Exhibit A available to those within their respective Agency who need access to the information listed on Exhibit A for the specific purpose stated in this

paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.

- d. Counsel, including any authorized third party acting on their behalf, shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Counsel with respect to its own confidential proprietary information.
- e. At the conclusion of this litigation, Counsel shall certify to the Agencies that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

IT IS SO ORDERED.

SIGNED AND ENTERED this ____ day of _____, 2018.

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Last Name	First Name	Year of Birth	SSN (Last 4)
Artis	Judith	1968	0430
Asmussen	Tiffany	1977	7039
Avant	Deborah	1959	6932
Bailey	Vicki	1950	6945
Baker	Linda	1959	9950
Baldwin-Bodie	Patricia	1972	0385
Batzek	Linda	1951	4827
Beaudoin	Sue	1954	0849
Berman	Stephanie	1966	7098
Berry	Paula	1964	8131
Beverley	Rene	1958	9602
Bohne	Chantel	1972	8651
Bornmann-Stone	Yolanda	1962	2412
Bowen	Elizabeth	1967	2644
Bowen	Theresa	1939	2498
Branham	Wilma	1943	5484
Breaks	Brenda	1946	2823
Brown	Beverly	1976	4869
Brown	Lavetta	1958	3993
Bryant	Donna	1960	6724
Burchell	Sally Jo	1940	1484
Cardwell	Carrie	1972	6755
Carter	Cynthia	1961	1589
Caruso	Mary	1941	7410
Childress	Shirley	1940	6933
Clark	Dana	1953	7304
Cook	Stella	1946	7272
Cooke	Cindy	1959	1543
Cooper	Regina	1961	9828
Cordero	Luningning	1964	2617
Coronado-Figueroa	Guadalupe	1968	1847
Coulombe	Iris	1945	2264
Councilman	Patricia	1945	4805
Craig	Kimberly	1977	5077

Cymerman	Amelia	1928	5023
Davis	Deborah	1951	0495
Dawes	Glenda	1957	9643
DeBisschop	Ann	1946	7978
Decker	Judith	1940	8113
DeMeo	Marcell	1953	9905
Diaz	Ms. Leticia	1963	7091
Dobrinska	Jennifer	1970	5813
Dodson	Joy	1943	0535
Dunn	Deborah Joan	1965	3642
Dye	Vicky	1958	3781
Ellington	Carol	1959	1902
Ellis	Charvelvia	1966	7380
Emanuel	Jennifer	1952	1593
Erskine	Deborah	1961	1104
Finnegan	Crystal	1963	4493
Garcia	Julia	1955	3297
Gaydos	Laurie	1954	3364
Gladson	Dana	1967	8176
Goldman	Marcia	1938	9735
Goodman	Judith	1955	7047
Gray	Ruth	1950	2470
Green	Kimberly	1964	4131
Green	Virginia	1943	2843
Gulley	Jeania	1973	3511
Hardison	Terrilyn	1963	3974
Hartz	Aneca	1969	7106
Hester	Wilma	1954	8625
Hicks	Teresa	1964	9617
Hill	Betzaida	1976	2535
Hoffman	Rhonda	1967	3059
Hughes	Cecile	1956	6209
Hughes	Chelsea	1972	8278
Jarrell	Kimberly	1970	8917
Jones	Vera	1950	1202
Jones-Wilson	Anna	1957	1444
Kafka	Lee	1955	6315
Karas	Karen	1943	3919

Kaviratna	Hema	1960	6785
Kerpics	Mary	1973	2898
Koenemann	Kiann	1978	1926
Lamb	Virginia	1956	3836
Lambert	Patricia	1956	3550
Ledford	Rosa Lee	1937	5612
Lee	Deprecia	1963	0697
Lewis	Sherry	1960	6991
Long	Margaret	1946	3264
McBryde	ESTATE OF Deborah J.	1961	3913
McCallister	Laveta	1942	5362
McCormick	Barbara	1943	6877
McHugh	Kimberly	1968	9991
Merrick	Ida	1962	8391
Merritt	Deborah	1965	3138
Metcalfe	Gloria	1950	4299
Metzler	Eleanor	1959	0829
Meyer	Kimberly	1974	9107
Meyer	Sandra	1951	7765
Moore	Barbara	1943	7986
Nesbit	Elizabeth	1946	7174
Nichols	Tamara	1961	7385
Overman	Angela	1963	6323
Parker	Tonja	1965	4276
Pfeiffer	Carol	1949	1409
Piersall	Carolyn	1953	3432
Plagmann	Debra	1952	8523
Platt	Mary Lee	1953	9900
Quezada	Julia	1952	7476
Rabun	Yovante	1972	7272
Ramos	Elida	1935	6371
Reece	June	1946	9931
Rehm	Shelby	1937	2188
Reinhardt	Katherine	1961	5379
Remines	Sandra	1968	0795
Rhoden	Leola	1949	3709

Riley	Patricia	1956	5653
Rivera	Alberta	1944	7689
Robak	Peggy	1941	8100
Rooney	Mary Catherine	1944	6318
Sampson	Beverly	1959	2183
Schalk	Julie	1966	4403
Schroeder	Diana	1952	9621
Schwenck	Caroline	1938	4000
Shafer	Marleen	1943	6011
Shanklin	Donna	1962	5607
Skipper	Cora	1928	0101
Sligar	Karen	1948	0883
Smelley	Thelma	1964	1512
Smith	Caroleta	1953	3109
Smith	Kathryn	1960	1141
Smoke	Teresa	1966	9337
Stewart	Debbie	1962	2527
Sullivan	Susan	1953	6819
Tanner	Julie	1962	4114
Tiberi	Darlene	1952	8817
Van Emelen	Elizabeth	1947	4481
Vasquez	Melissa	1967	4970
Venturelli	Sheri	1960	1518
Wachowiak	Penny	1956	8415
Walker	Carolyn	1936	3680
Walsh	Dawn	1958	8485
Walthers	Jennifer	1945	5249
Walton	Elizabeth	1963	4154
Watkins	Emily	1944	2359
Wheeler	Pamela	1948	4270
Wheeles	Brenda	1961	4869
White	Cheryl	1950	0306
Williams	Deborah	1951	9241
Writesel	Shana	1981	5797
Zimmerman	Crystal	1966	6411
Zyla	Susan	1949	1966